

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**UNITED STATES OF AMERICA** )

)

)

Case No. 1:12CR00024-1

)

v. )

**OPINION**

)

**ASHANTI RHAN HENRY,** )

)

By: James P. Jones

)

United States District Judge

Defendant. )

*Zachary T. Lee, Assistant United States Attorney, Abingdon, Virginia for  
United States; Ashanti Rhan Henry, Pro Se Defendant.*

The defendant, Ashanti Rhan Henry, a federal inmate proceeding pro se, filed a motion for reconsideration of my decision dismissing his motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

Henry brings his motion pursuant to Rule 15 of the Federal Rules of Civil Procedure, which deals with amended and supplemental pleadings. He requests that he be able to amend his § 2255 motion to add a new claim for relief, that his appellate counsel provided ineffective assistance of counsel. On May 15, 2017, I denied his § 2255 motion, ECF No. 652. He promptly appealed to the United States Court of Appeals for the Fourth Circuit, which dismissed his appeal. *United States v. Henry*, 697 F. App'x 150 (2017) (unpublished).

Accordingly, I have no jurisdiction to reconsider my dismissal of Henry's § 2255 or to address additional claims. *See Griggs v. Provident Consumer Disc. Co.*,

459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court” of jurisdiction).

To the extent that Henry is trying to file a second or successive § 2255 motion, I am still without jurisdiction to entertain the motion. A court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that a claim in the motion meets certain criteria. *See* 28 U.S.C. § 2255(h). As Henry has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, I am without jurisdiction to consider it. *United States v. Winestock*, 340 F.3d 200, 208-09 (4th Cir. 2003). Based upon the court’s finding that Henry has not made the requisite substantial showing of denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

DATED: November 27, 2017

/s/ James P. Jones  
United States District Judge